

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

CASTLE ROCK REMODELING, LLC,)	No. ED96214
Appellant,)	
)	Appeal from the Circuit Court
vs.)	of St. Louis County
)	
BETTER BUSINESS BUREAU OF)	Hon. Tommy W. DePriest, Jr.
GREATER ST. LOUIS, INC., Respondent.)	Filed: November 1, 2011

Castle Rock Remodeling, LLC (“Castle Rock”) appeals from the judgment dismissing its claims for libel/slander and tortious interference with business expectancy against the Better Business Bureau of Greater St. Louis, Inc. (“BBB”).

AFFIRMED.

Division Three hold: The trial court did not err in dismissing Castle Rock’s claim for libel because none of the asserted factual statements or the rating was actionable as defamation. The trial court did not err in granting BBB’s motion to dismiss and in dismissing Castle Rock’s libel claim for failure to state a cause of action without allowing more discovery. A qualified privilege applies under the circumstances, and, thus, the trial court did not err in dismissing Castle Rock’s libel claim. Finally, the trial court did not err in dismissing Castle Rock’s claim of tortious interference with business expectancy because Castle Rock failed to plead facts to establish the absence of justification.

Opinion by: Robert G. Dowd, Jr., P.J.
Mary K. Hoff, J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant:

Al W. Johnson

Attorney for Respondent:

Joseph E. Martineau

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
